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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,346

06/09/2006

Hiroki Matsui

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EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,346	<b>Applicant(s)</b> MATSUI, HIROKI	
	<b>Examiner</b> Vishal Patel	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 16-18, "an equal width portion...at nearly equal width", how can an equal width portion have at nearly equal width?

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

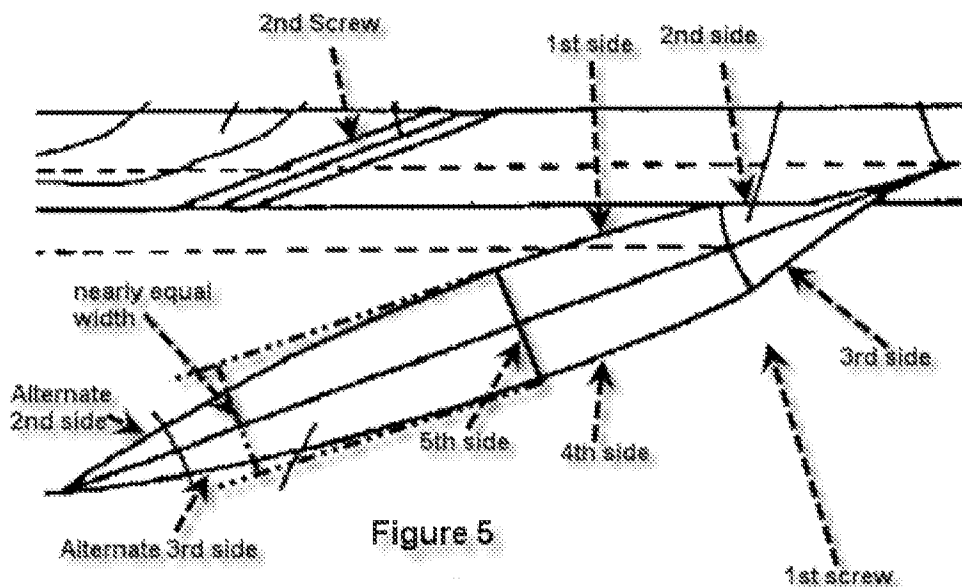
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuyama (JP 2003254439 A).

Furuyama discloses a sealing device having a sealing lip. The sealing lip having a sliding surface (10) along a peripheral surface, a slope surface (11) that slopes in such a way as to gradually enlarge a space with respect to the peripheral surface, first screw projections (12) formed on the slope and the sliding surface, the first screw projection extending from the slope surface to a middle of the sliding surface (figure below), second screw projections (18) formed on the sliding surface, an end on a sliding surface side of the first screw projections being formed

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in a shape cut out along the sliding surface (figure below), a portion on the slope surface side of the first screw projections having an equal width portion (portion having width between the 1<sup>st</sup> side and 4<sup>th</sup> side) formed in a shape in which a height increases toward a side (height between 5<sup>th</sup> side and 2<sup>nd</sup> side) with a width kept at a nearly equal width (width between 1<sup>st</sup> side and 4<sup>th</sup> side is equal), the equal width portion of the first projection having a cross-section of a nearly pentagonal shape from of parallel extending side walls terminating at a triangular shaped apex (apex formed by 1st and 2nd sides or apex formed by alternate first and second sides, see figure below).

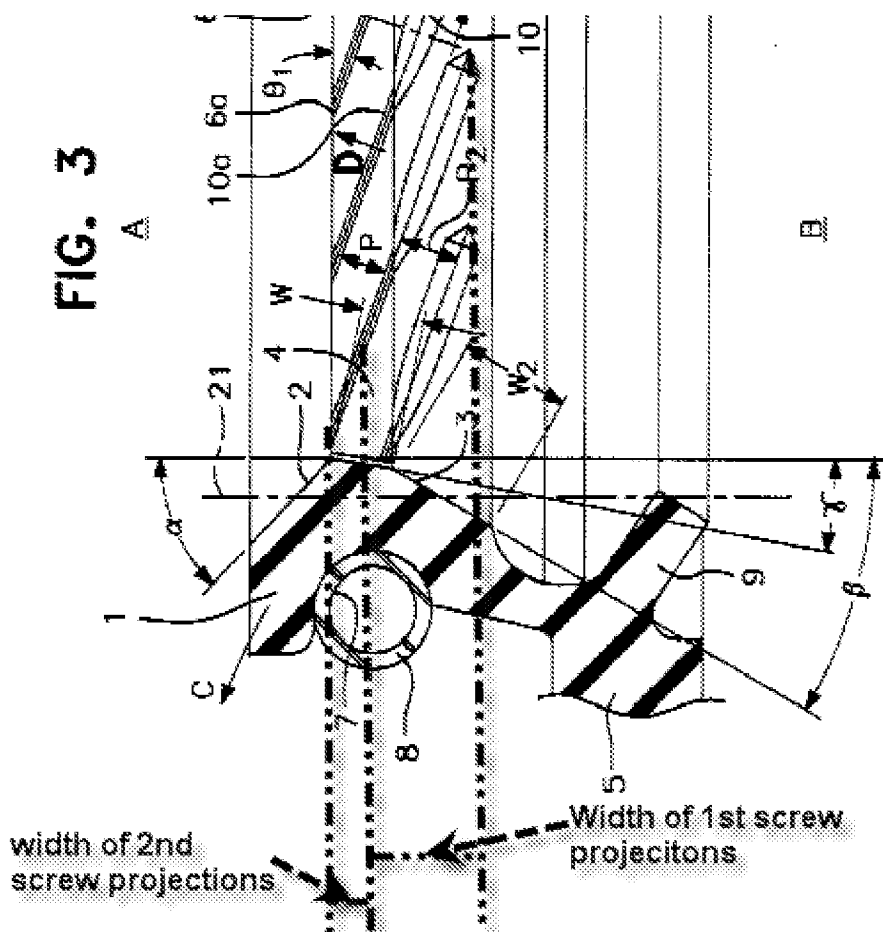


5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nishigaki et al (US. 6,276,691).

Nishigaki discloses a sealing device having a sealing lip. The sealing lip having a sliding surface along a peripheral surface, a slope surface that slopes in such a way as to gradually enlarge a space with respect to the peripheral surface, first screw projections (1<sup>st</sup> projection

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indicated by width in figure below) formed on the slope and the sliding surface, the first screw projection extending from the slope surface to a middle of the sliding surface (figure below), second screw projections (2<sup>nd</sup> projection indicated by width in figure below) formed on the sliding surface, an end on a sliding surface side of the first screw projections being formed in a shape cut out along the sliding surface (figure below), a portion on the slope surface side of the first screw projections having an equal width portion formed in a shape in which a height increases toward a side with a width kept at a nearly equal width, the equal width portion of the first projection having a cross-section of a nearly pentagonal shape from of parallel extending side walls terminating at a triangular shaped apex (shown in figure below).



***Response to Arguments***

6. Applicant's arguments filed 12/17/08 have been fully considered but they are not persuasive.
7. Applicants' arguments to the process on how the screw projection is formed in Furuyama are not persuasive because each and every structural limitation of the claims is taught by Furuyama. Furthermore process limitations are given little patentable weight in an apparatus claim. Applicant has also not claimed any process claims and if applicant wants to claim process claims it should be done in a DIV applicant.
8. Furuyama teaches equal width portions as claimed by applicant, see figure above.
9. Nishigaki also teaches all the limitations of the claims.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./  
Primary Examiner, Art Unit 3676

/Vishal Patel/  
Primary Examiner, Art Unit 3676